

U.S. Serial No. 09/667,827
Amendment Under 37 CFR 1.173(b)(2)
for Reissue Application
Response to OA dated Jan. 14, 2005

Atty Docket No. 99488-2

29. REMARKS

As required by 37 CFR §1.173(c), the status of the claims is as follows:

Claims 1, 12 and 15	pending original claims amended
Claims 2-11	pending original claims
Claims 13 and 14	canceled original claims
Claims 16-25	new claims amended
Claims 26-29	new claims

Claims 1-12, 15 and 21-25 have been indicated as allowable by the Examiner in previous Office Actions. This Amendment corrects a minor typographical error in claim 1 by deleting "of," and further amends claims 16-20 to define around the prior art, as discussed in detail below.

The rejection of the claims under 37 CFR § 1.175(B)(1) has been obviated by the filing of a Supplemental Reissue Declaration via facsimile on January 6, 2005. An additional Supplemental Reissue Declaration signed by both inventors will be filed in a Supplemental Response to cover the presently amended claims.

Applicant's attorney acknowledges with gratitude the interview granted by Examiner O'Connor and held on March 22, 2005. The claims have been amended in conformance with a suggestion made by the Examiner at the interview as to how to render them patentable over the prior art of record. In particular, claim 16 now recites a dental implant for insertion into the jaw bone of a patient that comprises an elongated body, a longitudinal axis and an axial hole and a proximal surface generally transverse to said longitudinal axis and a recess extending into the proximal surface, and

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"a plurality of slots penetrating said proximal surface and axially extending only part of way down said side surfaces toward said bottom wall, ... "

Claim 16 now defines over the Gersberg '892 patent, whose striations 8 in the cylindrical cavity of the implant extend all the way to the bottom wall of the cavity.

Support for amended claim 16 is present in column 13, lines 58-65 in combination with column 10, lines 16-20. These portions of the specification are reproduced herein below for the convenience of the Examiner. Column 13, lines 58-65 reads as follows:

It should also be understood that a reversal of features is intended to fall within the inventions scope. Thus any boss cross-section which has been described as protruding from the flange surface 44 may also be formed (and viewed in the Figures) as a recess in the surface 44. In such a construction the mating crown or abutment is fabricated with a correspondingly shaped protrusion (or protrusions) that seat(s) in the recess (or recesses). (Emphasis added.)

Column 10, lines 16-20 reads as follows:

The slot 94' may penetrate in depth into the upper surface 100 of the boss 92, as illustrated with the solid lines in FIG. 10a. On the other hand, the slot depth may be extended (not shown) substantially, even into the flange 45, that is, below the surface 44 of the flange 45. (Emphasis added.)

Reading these two sections of the specification together, if the boss 92 is viewed as a recess, it is clear that the slots 94' do not have to penetrate the entire length of the recess, since they do not have to penetrate the entire length of the boss. Thus, amended claim 16 is well supported by the specification.

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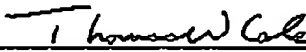
As the Kwan '197 and Krauser '475 patents were cited for features which have been deleted from claim 16, no further discussion of these references is deemed necessary.

Claims 17-20 and new claims 26-29 are patentable at least by reason of their dependency upon amended claim 16.

Now that all the claims are believed to be allowable, the prompt issuance of a Notice of Allowability is hereby earnestly solicited.

The Commissioner is authorized to charge any deficiencies or credit any overpayment to Deposit Account No. 19-2380 (099488-2).

Respectfully submitted,


Thomas W. Cole
Registration No. 28,290

NIXON PEABODY LLP
Customer No. 22204
401 9TH Street N.W. Suite 900
Washington, D.C. 20004-2128
(202) 585-8000
(202) 585-8080 (fax)